

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO. 1961 OF 1999

Mahesh Sadanand Patil

.....Petitioner.

V/s

UCO Bank

.....Respondent.

Office Notes, Office Memorandum
of Coram, appearances, Court's
orders or directions and Registrars
orders.

Court's or Judge's orders.

Mr. Rajesh S. Datar for the
Petitioner.

Mr. Vishal Khanvalkar with Mr. K.B.
Dighe for the Respondent.

CORAM: V.M. KANADE, J.
DATE : 7th March, 2007

P.C.:

1. Heard the learned Counsel for
the Petitioner and the learned
Counsel for the Respondent.

2. The Petitioner is challenging
the order passed by the Joint Civil
Judge, Senior Division, Thane
whereby application filed by the

Bank to add two persons as party-defendants was allowed. The learned Counsel appearing on behalf of the Petitioner submitted that no claim has been made by the plaintiff against these two persons and, therefore, they are neither proper nor necessary parties to the suit.

3. The learned Counsel appearing on behalf of the Bank, on the other hand, submitted that the amount from the plaintiff's account was transferred in the name of these two persons and one of them is a Firm. He submitted that if the Firm has bonafide entered in the transaction, it would be in a position to explain the transaction and, therefore, it was necessary to bring the Proprietor of the Firm before the Court. The Trial Court has accepted this argument and allowed the application for amendment.

4. In my view, the aforesaid two

persons need not be added as party-defendants since the plaintiff has not made any claim against them. There is no privity of contract between the parties. It is open for the Respondent - Bank to bring on record documents or any other evidence to establish their case.

5. The impugned order passed by the Joint Civil Judge, Senior Division, Thane is set aside. Rule is made absolute in terms of prayer clause (a). The Trial Court is directed to decide the suit as expeditiously as possible and, in any case, within a period of one year.

6. Writ Petition is accordingly disposed of.

(V. M. KANADE, J.)